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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,118	11/13/2001	Takahiko Nomura	111094	6341

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EXAMINER

GODDARD, BRIAN D

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/987,118

Applicant(s)

NOMURA ET AL.

Examiner

Brian Goddard

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 5-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 5-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to the Amendment filed 01 April 2005.
2. Claims 1, 3 and 5-34 are pending in this application. Claims 1, 18-20, 22-24 and 26-31 are independent claims. In the Amendment filed 01 April 2005, claim 4 was cancelled; claim 34 was added; and claims 1, 5, 18-19 and 31 were amended. This action is made Final.

Claim Objections

3. Claim 5 is objected to because of the following informalities: Claim 5 currently depends from a canceled claim (claim 4) as written. The examiner assumes that claim 5 should depend from claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 3 and 5-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0065709 to MacKenzie in view of U.S. Patent No. 6,070,143 to Barney et al. and U.S. Patent No. 6,606,615 to Jennings et al.

Referring to claim 1, MacKenzie discloses the knowledge-based management diagnosis method as claimed. See Figures 1-6 and the corresponding portions of

MacKenzie's specification for this disclosure. MacKenzie teaches a knowledge-based management diagnosis method, [See Fig. 1] comprising:

collecting [105] and accumulating [110, 115, 205-215] awareness data [survey instruments] from a plurality of subjects [employees/respondents] in an organization, the awareness data expressing knowledge assets [knobless items] and feature assets [knobby items] about actions; and

analyzing [120-130] the accumulated awareness data, and outputting [135 (Specifically Step 625)] results of the analysis [a Results Report] to a presentation side terminal ['client'] through a communication link [Internet via e-mail (See e.g. Paragraphs 0072-0073)]

wherein the knowledge assets are temporal knowledge assets [opinions/subjective answers (e.g. from EOS)].

MacKenzie does not explicitly state that the feature assets relate to work styles of each subject or that the [temporal] knowledge assets indicate how the knowledge assets will change from present to a future time as claimed. However, MacKenzie does state that the Employee Opinion Survey (EOS) includes items corresponding to the work environment for each employee and could also include items (indicating 'knowledge assets') about, "the management, **the future**, leadership..." (emphasis added) in ¶ 0141. This provides direct suggestion for including an indication of work styles for each subject and how the knowledge assets will change from present to a future time.

Barney discloses a survey system/method similar to that of MacKenzie, wherein the survey is directed to feature assets relating to work styles of each subject as claimed. See Column 3, lines 51-58 and all references to Worker-Oriented Database 140 and Work Context Database 150 for this disclosure. Barney's disclosed purpose for including work styles as a survey instrument is to more accurately match employees with available work products to improve the organization as a whole.

Jennings also discloses a survey system/method similar to that of MacKenzie, wherein the survey is directed to temporal knowledge assets ['values' of various assets which change over time] indicating how the knowledge assets will change from present to a future time [forecasted/predicted] as claimed. See the Abstract, Summary, and Detailed Description portions of the specification for this disclosure.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Barney's survey instruments indicating work styles of each subject, and Jennings' survey methods towards temporal knowledge assets into the system and method of MacKenzie, such that employees could indicate work style preferences and predictions for how the knowledge assets will change from present to a future time in the combined survey system, to obtain the invention as claimed. One would have been motivated to do so because of the suggestions of MacKenzie as described above; to more accurately match employees with available work products to improve the organization as a whole (as disclosed by Barney); and further to allow those surveyed to forecast/predict the disposition of the temporal knowledge assets for further analysis (as described by Jennings).

Referring to claim 3, the system and method of MacKenzie in view of Barney and Jennings (hereinafter "MacKenzie/Barney/Jennings") discloses the knowledge-based management diagnosis method as claimed. See Figure 1 and the corresponding portion of MacKenzie's specification for this disclosure. MacKenzie/Barney/Jennings teaches the method of claim 1, as above, wherein knowledge-based management assets [holonomic properties (HPs)] concerning the knowledge-based management of the organization are further collected [from the ODS] from said respective subjects and accumulated as part of the knowledge assets [See Steps 105 & 115] as claimed.

Referring to claims 5-6, MacKenzie/Barney/Jennings discloses the knowledge-based management diagnosis method as claimed. See Figure 1 and the corresponding portion of MacKenzie's specification, as well as Figures 1-9 and the corresponding portions of Barney's specification for this disclosure. MacKenzie/Barney/Jennings teaches the method of claim 4 as above, wherein information pertaining to work styles of each subject include status pertaining to autonomy [MacKenzie: rank, unit; Barney: See 140 & 150], and interrelation with other subjects [MacKenzie: rank, unit; Barney: See 140 & 150] as claimed.

Referring to claims 7-11, MacKenzie/Barney/Jennings discloses the knowledge-based management diagnosis method as claimed. See Figures 1-6 and the corresponding portions of MacKenzie's specification for this disclosure. MacKenzie/Barney/Jennings teaches the method of claim 1, as above, wherein the step of analyzing said accumulated awareness data includes determining a correlation [Step 120] between the awareness data of the knowledge assets [knobless items] and the

feature assets [knobby items], the knowledge assets [knobless items] and the feature assets [knobby items] pertaining to each subject's cooperation with other subjects [by client splits (See Fig. 2)], the knowledge assets [knobless items] and the knowledge-based management assets [Holonomic Properties (HPs)]...as claimed.

Referring to claims 12 and 13, MacKenzie/Barney/Jennings discloses the knowledge-based management diagnosis method as claimed. See Figures 1-2 and the corresponding portions of MacKenzie's specification for this disclosure.

MacKenzie/Barney/Jennings teaches the method of claim 1, as above, further comprising the steps of grouping the subjects [See Step 215]...and constructing information communities ['splits'] that express the subject groups as claimed.

Referring to claim 14, MacKenzie/Barney/Jennings discloses the knowledge-based management diagnosis method as claimed. See Figures 1-6 and the corresponding portions of MacKenzie's specification for this disclosure.

MacKenzie/Barney/Jennings teaches the method of claim 1, as above, wherein said awareness data is collected from each of a predetermined set of organizations [units/splits]...as claimed.

Referring to claim 15, MacKenzie/Barney/Jennings discloses the knowledge-based management diagnosis method as claimed. See Figures 1-6 and the corresponding portions of MacKenzie's specification for this disclosure.

MacKenzie/Barney/Jennings teaches the method of claim 1, as above, wherein the step of collecting and accumulating awareness data is performed using a server [e-mail

server] prior to the step of analyzing the accumulated awareness data [See e.g. Paragraphs 0072-0073] as claimed.

Referring to claim 16, MacKenzie/Barney/Jennings discloses the knowledge-based management diagnosis method as claimed. See Figures 1-2 and the corresponding portions of MacKenzie's specification for this disclosure.

MacKenzie/Barney/Jennings teaches the method of claim 15, as above, wherein said awareness data is weighted [via scaled answers] by each subject as claimed.

Claim 17 is rejected on the same basis as claim 13, in light of the basis for claim 16. See the discussion regarding claims 13 and 16 above for the details of this disclosure.

Claims 18 and 19 are each rejected on the same basis as claim 1. See the discussion regarding claim 1 above for the details of this disclosure.

Claims 20-30 are rejected on substantially the same basis as claims 1-17 above. See the discussions regarding claims 1-17, and the corresponding cited portions of MacKenzie and Jennings, for the details of this disclosure. Referring to claim 20 for example, MacKenzie/Barney/Jennings teaches a knowledge-based management diagnosis method comprising: displaying [survey] a plurality of knowledge items...[See claim 1 above]; accumulating...first and second awareness data [See claim 1 above]; and comparing results [MacKenzie: See ¶ 0139-0150] determined for the first awareness data [MacKenzie: 'Current Value'] and the second awareness data [MacKenzie: 'Computed Target' – forecasted/predicted value of Jennings as per

modification in claim 1 above], and displaying the compared result [See TABLE 4] in association with the respective knowledge items as claimed.

Referring to claim 31, MacKenzie/Barney/Jennings discloses the knowledge-based management diagnosis method as claimed. See the discussions regarding claims 1 and 12-13 above, as well as the portions of MacKenzie and Jennings cited therein, for the details of this disclosure. MacKenzie/Barney/Jennings teaches a knowledge-based management diagnosis method, comprising: collecting...[See claim 1 above]; analyzing...[See claim 1 above]; and generating at least community of subjects [See claims 12-13 above]. MacKenzie's communities of subjects ['splits'] are not explicitly indicative of subjects who are interested in particular knowledge or whose work styles are similar as claimed. However, Jennings discloses generating at least one community of subjects who are interested in particular knowledge or whose work styles are similar ['members of a certain group, firm, club or trade association' (See Figs. 1-4 & corresponding portion of Jennings)] based on results of analysis as claimed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Jennings' grouping functionality into that of MacKenzie to obtain the invention as claimed. One would have been motivated to do so in order to focus analysis to a smaller, more directed group of subjects, as disclosed by Jennings.

Claims 32-33 are rejected on substantially the same basis as claims 1-17 above, in light of the basis for claim 31. See the discussions regarding claims 1-17 and 31 above for the details of this disclosure.

Referring to claim 34, MacKenzie/Barney/Jennings teaches the method of claim 1, as above, wherein the feature assets [See above] include opinions given by subjects in response to a questionnaire [MacKenzie: EOS; Barney: See Steps 210-240] pertaining to each subject's own work style [Barney: See Column 3, lines 51-58 and all references to Worker-Oriented Database 140 and Work Context Database 150] as claimed.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 3 and 5-34 have been considered but are moot in view of the new ground(s) of rejection.

Referring to applicants' remarks on pages 14-15 regarding claims 20-33: Applicants argued that the combination (MacKenzie & Jennings) does not disclose or suggest determining "the number of inputs for each knowledge item input as becoming important."

The examiner disagrees for the following reasons: MacKenzie's (See also the combination above) comparison of results determined for first and second awareness data in ¶ 0139-0150 and TABLE 4 includes a summative measure of each EOS item to determine the influence of a 'knob' and evaluate how much the knob can be improved. See Paragraphs 0114-0117 of MacKenzie's specification for this disclosure. This summative measure is considered equivalent to the claimed determination of "the number of inputs...." Further, Jennings includes a similar summative measure indicating the number of inputs for each "knowledge item" as becoming important in

Columns 39-42. Therefore, the combination of MacKenzie, Barney and Jennings discloses each and every limitation of applicants' claimed invention.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Goddard whose telephone number is 571-272-4020. The examiner can normally be reached on M-F, 9 AM - 5 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bdg
24 June 2005


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER